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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,286	04/24/2006	Robert Van Soest	903-186 PC'D/US	2493
23869 7590 04/02/2008 HOFFMANN & BARON, LLP 6900 JERICHO TURNPIKE SYOSSET, NY 11791				
EXAMINER				
TON, TRI T				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/577,286

**Applicant(s)**

VAN SOEST, ROBERT

**Examiner**

TRI T. TON

**Art Unit**

2877

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 January 2008.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.  
4a) Of the above claim(s) 2, 4, 11 and 12 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1, 3, 5-10 and 13-16 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 24 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statements (PTO/SB08)  
Paper No(s)/Mail Date 01/04/08  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This is a response to the amendment and remarks/arguments filed on 01/04/2008.
2. Claims 2, 4, 11, 12 have been canceled.
3. Claims 1, 3, 5-10, and 13-16 are pending.

#### ***Response to Arguments***

4. Applicant's arguments see pages 8-11, filed on 01/04/08, with respect to the rejection(s) of claim(s) 1-15 under 102(b) and 103(a) have been fully considered but are not persuasive.

In claim 1, the applicants do not disclose that recurring reflected light is only directed light, and recurring reflected light does not include diffusion light. In claim 1, lines 12-13, light "recurs on all sides to provide uniform illumination of the objects from all sides", light actually has been recurring reflected and recurring diffused by the surface of the object (the surface of the object could be rough and not shiny) and by the surface of side walls (there is no surface that can reflect 100% of light). Therefore, recurring diffusion light actually is a part in the uniform illumination of the invention. This contradicts to the argument on page 8.

In JP Publication No. 08005563, Kinoshita teaches reflective paint being applied to wall 1a to form the reflective wall surface ([0009], lines 3-4). Wherein, reflected paint can be any paint which can form a reflected surface (for example, chrome paint). Kinoshita does not teach reflected paint must be white paint which producing only diffuse reflection. Kinoshita also teaches "if massive garden stuff A has in this soft indirect lighting by which the reflected light is irradiated almost uniformly from various include angles to massive garden stuff A by carrying out reflective diffusion for this reason, the strong reflected light of the specific direction does not occur" ([0012], lines 19-

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23), and "reflecting plates, such as a mirror, are arranged in the four-way-type location" ([0007], lines 3-4). Therefore, apparently Kinoshita discloses that both recurring reflected light and recurring diffusion light being used in his invention.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 2 are rejected under 35 U.S.C. 102(b) as being taught by Kinoshita et al. (JP Publication No. 08005563). Hereafter, "Kinoshita".

Regarding Claim 1, Kinoshita teaches a conveyor adapted to convey a plurality of objects placed next to each other in a direction transverse to the conveying direction ([0010]-[0011], figure 1, element A), at least one camera for observing the objects on the conveyor ([0005], lines 1-7). a box with reflective side walls having a mirroring surface, which is positioned above the conveyor and in which the at least one camera is accommodated ([0007], lines 1-5), (reflecting plates, such as mirrors, is not different from a part of the side walls) a light source which is accommodated in the box opposite the conveyor for illuminating the objects from above ([0005], lines 9-11), the light source having a substantially even light plane directed towards the inside of the box ([0007], lines 6-10) and which light source, as a result of the mirroring side walls, recurs on all sides so as to provide uniform illumination of the objects on the conveyor from all sides ([0007], figure 1, elements 2, 7, A), (reflecting plates 7, such as mirrors, is not different from a part of the side walls).

Regarding Claim 3, Kinoshita teaches the box is substantially rectangular and has a top cover plate and four reflective side walls (Figure 1, elements 1, 11).

Regarding Claim 5, Kinoshita teaches the reflective side walls of the box have a coefficient of reflection (Figure 1, element 2). It would have been obvious to one having ordinary skill in the art at the time of the invention was made to have that coefficient of reflection of reflective side walls of at least 0.8.

Regarding Claim 7, Kinoshita teaches the light source being arranged on the top side of the box (Figure 1, element 9).

Regarding Claim 8, Kinoshita teaches the light source having a uniform radiation plane (Figure 1, element 10, [0002], lines 11-14).

Regarding Claim 9, Kinoshita teaches the light source comprising one or more lamps which being distributed substantially uniformly (Figure 3, element 9).

Regarding Claim 10, Kinoshita teaches the light source is arranged beneath the top cover plate above one or more diffusor plates (Figure 1, element 10).

Regarding Claim 15, Kinoshita teaches that the reflecting walls of the box are mirrors (Figure 1, elements 2, 7), (reflective inner wall face is not different from mirrors, and reflecting plates 7, such as mirrors, is not different from a part of the side walls).

Regarding Claim 16, Kinoshita teaches the conveyor being designed in such a manner that the objects execute a rolling movement as they are being conveyed ([0005]).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kinoshita et al. (JP Publication No. 08005563) in view of W. J. Ward et al. (U.S. Patent No. 1,947,142). Hereafter, “Kinoshita”, and “Ward”.

Regarding Claim 6, Kinoshita teaches all the limitations of claim 1 as stated above except for walls being made from metal. Ward teaches walls being made from metal (Figure 3, element 20). It would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify Kinoshita by having metal walls in order to implement inspection system more easily.

9. Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinoshita et al. (JP Publication No. 08005563) in view of Summers et al. (U.S. Patent No. 5,321,491). Hereafter, “Kinoshita”, and “Summers”.

Regarding Claims 13-14, Kinoshita teaches all the limitations of claims 1 as stated above except for the device having at least two cameras, and a computer which being coupled to the optical

observation means. Summers teaches the device having at least two cameras (column 2, lines 40-45), and a computer which being coupled to the optical observation means (column 2, lines 9-18, column 4, lines 51-54). It would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify Kinoshita by having at least two cameras, and a computer in order to "control mechanical egg routing device" efficiently, (as stated by Summers, column 2, lines 16-18).

### **Conclusion**

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references of Kinoshita et al. (JP Publication No. 08005563), W. J. Ward et al. (U.S. Patent No. 1,947,142), and Summers et al. (U.S. Patent No. 5,321,491) teach of various features similar to the claimed invention.

***Fax/Telephone Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri T. Ton whose telephone number is (571) 272-9064. The examiner can normally be reached on 10:30am - 7:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory J. Toatley, Jr. can be reached on (571) 272-2059. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Gregory J. Toatley, Jr./  
Supervisory Patent Examiner, Art Unit 2877  
29 March 2008

March 18, 2008  
Examiner /Tri Ton/